



Arizona Regulatory Board of Physician Assistants

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258-5514
Telephone: 480-551-2700 • Fax: 480-551-2704 • www.azpaboard.org

Janet Napolitano
Governor
Albert Ray Tuttle, P.A.-C.
Chair
Timothy C. Miller, J.D.
Executive Director

FINAL MINUTES FOR REGULAR SESSION MEETING Held at 1:00 p.m. on March 2, 2005 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Albert Ray Tuttle, P.A.-C, Chair
Joan M. Reynolds, P.A.-C, Vice Chair
Randy D. Danielsen, Ph.D., P.A.-C
Michael E. Goodwin, P.A.-C
G. Bradley Klock, D.O.
James Edward Meyer, M.D.
Sigmund Popko, J.D., Public Member
Anna Marie Prassa, Public Member
Peter C. Wagner, D.O.
Barry D. Weiss, M.D., FAAFP

Board Legal Counsel

Christine Cassetta, Board Legal Counsel

Staff

Timothy C. Miller, J.D., Executive Director
Amanda J. Diehl, MPA, Deputy Executive Director
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Tricia Steffey, Board Coordinator
Sandie Schmidt, Board Coordinator

WEDNESDAY, MARCH 2, 2005

CALL TO ORDER

Albert Ray Tuttle, P.A.-C, Chair, called the meeting to order at 1:00 p.m.

ROLL CALL

The following Board members were present: Albert Ray Tuttle, P.A.-C., Chair, Joan M. Reynolds, P.A.-C., Vice Chair, Randy D. Danielson, Ph.D., P.A.-C., Michael E. Goodwin, P.A.-C., G. Bradley Klock, D.O., James Meyer, M.D., Anna Marie Prassa, Peter C. Wagner, D.O. The following Board members were absent: Sigmund Popko, J.D. and Barry D. Weiss, M.D. FAAFP

CALL TO THE PUBLIC

Statements issued during the call to the public appear beneath the case referenced.

APPROVAL OF MINUTES

November 17, 2004 Meeting Minutes

Albert Ray Tuttle, P.A.-C., stated that he believed there was an Executive Session during the last meeting; however, no minutes were included with this meeting's materials. Christine Cassetta, Board Legal Counsel, explained that the individual who had previously completed Executive Session minutes is no longer with the Agency and that she and Staff would locate the materials and they would be included with the next set of minutes. James E. Meyer, M.D., noted that there was a minor

typographical error in Item 6 and that the reference to physician should be changed to physician assistant. With the correction noted, the minutes were approved.

NON-TIME SPECIFIC ITEMS

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
1.	PA-04-0001A	R.T.	BRENDA L. HOCHULI, P.A.-C.	2705	Dismissed.

D.W., the patient's wife, made a statement at the Call to the Public. She stated that she felt that her husband's case was seriously misdiagnosed. She noted that her husband had a visible lump. She felt that P.A. Hochuli should have sought help from a physician, but did not pursue treatment more aggressively. D.W. stated that she not only lost her husband, but also her best friend.

T.S.M. made a statement at the Call to the Public. He stated that the patient was misdiagnosed and that the P.A. should have gotten assistance. He stated that he did not feel that the patient received the care he should have and that their loss is profound.

MOTION: Michael E. Goodwin, P.A.-C., moved to dismiss this case.

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
2.	PA-04-0023A	B.S.	GERALD R. BOSSERT, P.A.-C.	1897	Dismissed.

G. Bradley Klock, D.O., expressed concern with simply dismissing this case because he was uncertain if the physician assistant (P.A.) was capable of determining the difference between a simple fracture and a more complex break. Philip Scheerer, M.D., AMB Medical Consultant, stated that the consultant who reviewed the case was a family physician and did not feel that a P.A. would necessarily have been able to distinguish the difference. James E. Meyer, M.D. said that while the family was upset, the patient was ultimately referred to a specialist. Additionally, it is not clear what the family was told and since no harm was done, G. Bradley Klock, D.O. suggested that continued medical education (CME) could be recommended.

MOTION: Michael E. Goodwin, P.A.-C., moved to dismiss this case.

SECONDED: Peter C. Wagner, D.O.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
3.	PA-05-L001A	ARBOPA	MARY CATHERINE MOCK	2266	Board approved reactivation of licensure with instruction that her supervising physician monitor her performance for a period of two months. At the end of two months, the supervising physician is requested to complete a report for the Board.

Randy D. Danielson, Ph.D., P.A.-C., stated that while he was in favor of approving the reactivation of this license, he had some philosophical issues with regard to having a physician assistant (P.A.) come up to speed after being off for a length of time. Michael E. Goodwin, P.A.-C. also had some concern that about 90 percent of the continued medical education (CME) listed was from a "distant source" and was not certain if this was adequate.

Christine Cassetta, Board Legal Counsel, confirmed that the Board has the power to require an applicant to undergo an evaluation to determine if the applicant is ready to return to work. James E. Meyer, M.D. asked if she would be returning to her previous practice specialty and it was confirmed that she would be. It was suggested by P.A. Goodwin that the Board might wish to invite her for an interview in light of her absence from work for over one year. Ms. Cassetta stated that the Board could not hold an interview with the applicant and must either grant or deny the reactivation. Ms. Mock has a clear record with Board as does her supervising physician. Dr. Meyer suggested that they might wish to set up a more intense supervision. Ms. Cassetta clarified that the Board could either reactivate her license or request additional information. Michelle Semenjuk, Chief Licensure Officer, confirmed that Ms. Mock would be working at the same location as her supervising physician, but that the Notification of Supervision form is not completed until the application for licensure is approved. Joan M. Reynolds, P.A.-C., suggested that Ms. Mock's application for reactivation of her license be approved with a stipulation that her supervising physician monitor her performance for two months, providing the Board with a report at the end of two months.

MOTION: Joan M. Reynolds, P.A.-C., moved that the Board accept the request for reactivation of her license with the caveat that her supervising physician monitor her performance for two months and provide the Board with a report at the end of the two months.

SECONDED: Peter C. Wagner, D.O.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

FORMAL INTERVIEWS

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
7.	PA-01-0015A PA-04-0042A	ARBOPA	ERIC A. CASTANEDA, P.A.-C	2129	Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Two Years Probation for violating a Board Order. P.A. Castaneda may not see minor patients without a chaperone. The chaperone must be a medical professional, a notation must be placed in the patient's file to verify that a chaperone was present, and the supervising physician be made aware of the Board Order. All other standard terms of probation.

Eric A. Castaneda, P.A.-C appeared before the Board with his attorney, Dan Cavett, Esq.

Albert Ray Tuttle, P.A.-C., requested clarification of the current issue before the Board. Christine Cassetta, Board Legal Counsel, stated that the current Consent Agreement with a Letter of Reprimand and two years probation will be expiring on March 3, 2005.

Sarah Penttinen, Senior Medical Investigator, reviewed the case with the Board. She explained that the Consent Agreement was issued for inappropriate dispensing to a minor who was not his patient. The Consent Agreement required that P.A. Castaneda not see minors in his practice. During the period covered by the Consent Agreement, P.A. Castaneda treated three minor patients in violation of the Agreement. In the first two cases, P.A. Castaneda stated that he assumed that all of the patients scheduled with him were over 18. In the case of the third minor, he stated that there were no physicians available and he did not want the patient to wait.

P.A. Castaneda stated that he never intended to violate the order and that the three occurrences were due to scheduling errors. He believed that at least one, and possibly both of them were scheduled on an emergency basis by the staff. The third individual was a friend's son who played on the same basketball team as his son. He stated that since no physicians were available, he did not want to inconvenience the family. P.A. Castaneda stated that he has spoken to staff to keep this from happening again and that he has seen 5,300 patients with only these few violations.

James E. Meyer, M.D. and Randy D. Danielson, Ph.D., P.A.-C. questioned P.A. Castaneda regarding his understanding of the order. P.A. Castaneda said that the two older boys appeared to be 18 and he was concerned that, if he sent them away, it could put the patients at risk. With regard to the 10-year old boy, P.A. Castaneda explained that he was the son of a friend of his. Joan M. Reynolds, P.A.-C. asked what the process was for receiving the chart and said that P.A. Castaneda could look at the age of the patient before he walked into the treatment room.

P.A. Danielson asked what steps had been taken to assure that this will not happen again and P.A. Castaneda stated that staff is now aware that he cannot see minors and that staff now has to sign a paper confirming their understanding of this restriction. If staff continued to make these appointments, they could lose their jobs. Michael E. Goodwin, P.A.-C. questioned whether P.A. Castaneda asked the patient's age at the start of the appointment and whether he had any confusion about what qualified as a minor. He further pointed out that the burden was not on the office staff, but rather on P.A. Castaneda since he was under the Board order.

P.A. Tuttle pointed out that the two issues at hand were that the original Board Order has expired and whether the Order was violated. Anna Marie Prassa said that there was a clear violation of the Order.

P.A. Castaneda's attorney, Dan Cavett, asked for the opportunity to address the Board. He stated that he felt the only issue on the table was if there was a violation of the Board Order and what action the Board would take to address that violation. He stated that P.A. Castaneda notified his supervising physicians of the Order and that the supervising physicians put steps in place that they thought would take care of the situation. In two of the three cases, the notation "18 years" appeared at the top of the chart and Mr. Cavett said that his client believed that the patients were 18 years old. He believed that there were one or two technical violations and wanted the Board to know that his client was not flagrant about or disrespectful of the Order. In the case of the 10-year old boy, he stated that his client took care of this child because he was on the same basketball team as his son. Mr. Cavett stated that he did not believe this was a flagrant disregard of the Order and that his psychologists have indicated that P.A. Castaneda has benefited from treatment. He further stated that since the new procedures have been

implemented in the office, there have been no more violations. He said that P.A. Castaneda is attempting to comply and wants to assure the Board that there is no attempt to violate the Order. His supervising physician said that he is an excellent practitioner and doesn't believe he presents a threat.

Ms. Penttinen stated that there were some inconsistencies regarding when he first saw the 10-year old boy, i.e. in the waiting room or exam room and, knowing this was a violation, still continued the examination. Ms. Penttinen also stated that the first violation was only two months after the Order was executed.

Peter C. Wagner, D.O., stated that it was his feeling that P.A. Castaneda simply violated the Board Order on several occasions and that a new probationary period should be ordered. He further recommended that the Board issue a Letter of Reprimand. Dr. Meyer concurred and said that he had serious concerns about the P.A.'s ability to recognize boundary violations. He said that it appeared that his concern to inconvenience the patient and his father superceded his concern regarding violation of the Board Order.

MOTION: Anna Marie Prassa, moved to go into executive session at 1:56 p.m.

SECONDED: Albert Ray Tuttle, P.A.-C.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

The Board returned from executive session at 2:27 p.m.

MOTION: Randy D. Danielson, Ph.D., P.A.-C. moved for a finding of Unprofessional Conduct in violation of A.R.S. § 32-2501(k) Violation of a formal order, probation or stipulation issued by the board.

SECONDED: Michael E. Goodwin, P.A.-C.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

MOTION: G. Bradley Klock, D.O. moved that Board Staff draft Findings of Fact, Conclusions of Law and an Order for a Letter of Reprimand and two years probation for violating a Board Order. P.A. Castaneda may not see minor patients without a chaperone. The chaperone must be a medical professional, a notation must be placed in the patient's file to verify that a chaperone was present, and the supervising physician be made aware of the Board Order. and all other standard terms of probation

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT	LIC. #	BOARD RESOLUTION
8.	PA-04-0019A	ARBOPA ANNE M. ELLIOTT, P.A.-C	1995	Dismissed.

Michael E. Goodwin, P.A.-C. stated that he knows of P.A. Elliott, but this will not affect his ability to adjudicate this case.

Anne M. Elliott, P.A.-C appeared before the Board with her attorney, Edward Gaines, Esq.

Philip Scheerer, M.D., Board Medical Consultant, presented this case and the allegation is that the P.A. failed to diagnose renal cell carcinoma. The mitigating factor is that the supervising physician also reviewed the case and failed to make this diagnosis.

P.A. Elliott stated that since this case she has become more aggressive in her handling of cases. This case was a first-time visit with the patient complained of discoloration of urine. P.A. Elliott stated that the exam was extremely complex and that after consulting with a supervising physician, they agreed that further testing was warranted. The initial problem of blood in the urine improved, however, the patient was placed on antibiotics. The patient was treated for hypertension and a later recurrence of blood in the urine, but never complained of pain. Each time the patient presented, a supervising physician was consulted. A subsequent referral to a specialist and a CAT scan revealed the carcinoma.

Attorney Gaines stated that the patient filed a malpractice suit that was settled. During the course of the malpractice hearing, an expert testified that P.A. Elliott performed within the standard of care. The supervising physician underwent a Board investigation and the Medical Board dismissed the case. Attorney Gaines stated that other experts agreed that this was an aggressive form of cancer and that P.A. Elliott has learned from this experience. He asked that, in light of the Board's dismissal of the physician's case, her case also be dismissed.

Joan M. Reynolds, P.A.-C. questioned P. A. Elliott on her diagnosis and P.A. Elliott stated that her diagnosis was based on the fact that there was no blood in the urine. James E. Meyer, M.D. also asked P.A. Elliott about other possible diagnoses

and agreed that it could have gone in several directions. Dr. Meyer felt that some action was needed, but the least possible and suggested an Advisory Letter.

Attorney Gaines again stated that the supervising physician's case had been dismissed. Peter C. Wagner, D.O. recommended that the case be dismissed and G. Bradley Klock, D.O., agreed since she had been consulting with her supervising physician.

MOTION: Anna Marie Prassa moved to dismiss this case.

SECONDED: Randy D. Danielson, Ph.D., P.A.-C.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
9.	PA-03-0021A	ARBOPA	RICHARD L. D'ARMAND, P.A.-C	1941	Dismissed.

Richard L. D'Armand, P.A.-C, appeared before the Board without counsel.

Philip Scheerer, M.D., Board Medical Consultant, stated that there were 26 allegations with 18 patients that P.A. D'Armand failed to meet the standard of care.

P.A. D'Armand stated that he considers it a sacred privilege to take care of the health of others. He stated that he is currently in a prolific practice in Cottonwood and stated that his supervising physicians have sent in Letters of Support.

James E. Meyer, M.D., asked procedural questions regarding lung exams, cardiac exams, and various diagnostic procedures. Peter C. Wagner, D.O. said that his concern was in the lengthy follow-up periods; however, P.A. D'Armand stated that they were governed by the caseloads at the VA Hospital and that he was not able to follow the same practices you would follow in private practice. Anna Marie Prassa agreed with P. A. D'Armand that the complaint against him in the VA Hospital might have been politically motivated.

MOTION: Randy D. Danielson, Ph.D., P.A.-C. moved that the Board dismissed this case.

SECONDED: Michael E. Goodwin, P.A.-C.

VOTE: 6-yay, 2-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

Executive Director's Report

Timothy C. Miller, J.D., Board Executive Director, stated that since he became Executive Director in early December, he immediately began assessing the state of the agency. With regard to this Board, there were 39 open cases, now there are 33. Mr. Miller has been reviewing completed cases to confirm that they are complete. The goal is to close cases in 180 days. This was exceeded in 11 of the cases that were resolved. Mr. Miller has received a case report of dormant cases that have not been worked on in over 30 days. These cases have gone from 300 outstanding cases to 200 cases, with five of the cases being P.A. cases. The Board has hired some temporary investigators to work on the oldest cases.

Mr. Miller also informed the Board that he has made some organizational changes to the agency and that it is now divided into three divisions - the Support Division, the Licensing Division and the Quality Control Division. Management will be looking at ways to improve the process on an ongoing basis.

Management has also had to make some staffing changes. They have now hired an Assistant Director to run the Quality Control Division. The Agency has undergone a major rethinking of the investigative process, moving from the assembly line type of process to a more teamwork-based process throughout the course of the case. Many of the changes are ongoing and will be evident in future Board meetings. They have also identified that training is a huge issue and have addressed that, as well. SIRC has also been reorganized and redefined.

Management is also in the process of protecting the Agency's budget from budgetary sweeps and future training and staffing issues will depend on what happens with funding. Mr. Miller indicated that he has included an executive schedule to give the Board the opportunity to monitor the Executive Director's activity. Mr. Miller has also included a legislative report, highlighting the following bills that continue to be of interest. The others being followed include:

HB 2541 - Refusal to Treat / Right of Conscience

SB 1036 - Medical Malpractice Reform

SB 1353 - Administrative Subpoenas

SB 1445 - Scope of Practice for Lay Midwives (AMB does not support)

SB 1468 - Cultural Competency Licensing Requirement

Minor Surgery

Larry Ehlers, P.A.-C appeared before the Board to speak in support of allowing PA's the ability to perform minor surgeries. PA Ehlers had previously provided background material into the procedure of alternate vein stripping. He described the procedure and explained that he had received specialized training as presented by the manufacturer, as well as observed numerous procedures.

Christine Cassetta, Board Legal Counsel, clarified that, in her memorandum when she referred to "case-by-case" basis, she should have said "topic by topic". She stated that if the Board were to approve this as a minor surgery, it would be a permissible delegation to whomever the supervising physician felt was qualified to perform the procedure. Ms. Cassetta presented two questions that the Board needed to answer under the statutes. First, the board needs to consider whether this is normally taught in the course of PA training and secondly, whether the Board is going to approve it as falling under the scope of practice. Ms. Cassetta said that those would be the two criteria that could help the Board develop a list of procedures allowable for physicians assistants. She stated that, once the Board approved the procedure, any licensed PA could be delegated the authority to perform the procedure after the supervising physician determines that it is consistent with the P.A.'s training and experience. The Board would be providing more of a global approval. The Board would only be approving the actual PA training and not the secondary training provided by manufacturers. Ms. Cassetta recommended that, if the Board did not feel comfortable making that determination, they could either form a Committee or ask staff to research the issue for the Board, including how other states handle the issue. James E. Meyer, M.D. stated that the PA's are currently doing more than they learn during a typical PA training program. He said that before any decision is made with regard to treatment, the PA consults with specialists in the area. Dr. Meyer said that he would not want to develop a list of procedures, but rather handle this on a case-by-case basis.

MOTION: Randy D. Danielson, Ph.D., P.A.-C. moved to table this discussion and appoint a subcommittee to provide more in-depth review of the issue of minor surgeries being performed by Physicians Assistants

SECONDED: Joan M. Reynolds, P.A.-C.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

Albert Ray Tuttle, P.A.-C., Randy D. Danielson, Ph.D., P.A.-C., Michael E. Goodwin, P.A.-C. and G. Bradley Klock, D.O. agreed to serve on the committee.

P.A. Tuttle requested that a history be compiled by staff of those individuals who have requested that procedures such as this be approved and if any PA's have been disciplined for performing minor surgeries. Ms. Cassetta reported that she attempted to gather that information prior to this meeting, but was unable to locate any documentation of requests in the past. P.A. Danielson recommended that someone contact Ann Davis with the Department of Governmental Affairs, American Association of Physicians Assistants, to get a historical perspective. P.A. Danielson is the Chair of this Subcommittee and will find out what other states allow. P.A. Danielson felt that some preliminary data would be available in time for the next meeting with a possible recommendation to present before the Board at the May meeting.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
5.	PA-04-L101A	ARBOPA	CHERYL J. MCGOVERN	N/A	Rescind Referral to Formal Hearing and Accept Proposed Consent Agreement

Steve Wolf, Assistant Attorney General, presented the summary of this matter. Ms. McGovern submitted an application for licensure in April, 2004. The Board denied this application because she falsely answered Questions 6 and 16. Ms. McGovern appealed the denial and requested a settlement conference. She met with staff and clarified information not presented initially. She explained the reasoning for her responses and it appears that the case is rooted in previous employer hostility. The solution was to provide a Consent Agreement for providing false information on her license application and the licensee would receive a Letter of Reprimand. Ms. McGovern apologized for her previous actions in providing false information on her application for licensure.

MOTION: Michael E. Goodwin, P.A.-C. moved to rescind the referral to formal hearing and accept the proposed Consent Agreement.

SECONDED Randy D. Danielson, Ph.D., P.A.-C.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
4.	PA-04-0032A	ARBOPA	MICHAEL GURNEY, P.A.-C	2576	Accept Draft Findings of Facts, Conclusions of Law, and Order

MOTION: Randy D. Danielson, Ph.D., P.A.-C. moved to accept the Findings of Fact, Conclusions of Law and Proposed Order.

SECONDED: James E. Meyer, M.D.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
6.	PA-04-0009A	ARBOPA	MICHAEL C. PASCHAL, P.A.-C.	2851	Proposed Consent Agreement adopted

Steve Wolf, Assistant Attorney General, stated that P.A. Paschal holds a license in both Arizona and Nevada and was writing prescriptions based on the regulations in Nevada. P.A. Paschal has acknowledged that what he was doing was inappropriate and has agreed to enter into a Consent Agreement.

MOTION: Randy D. Danielson, Ph.D., P.A.-C. moved that the proposed Consent Agreement be adopted.

SECONDED: Anna Marie Prassa

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

FORMAL HEARING MATTER					
NO.	CASE NO.	COMPLAINANT v PHYSICIAN ASSISTANT		LIC. #	BOARD RESOLUTION
10.	PA-04-0014A	ARBOPA	WILLIAM A. ROBERTS, JR., P.A.-C	2483	ALJ Recommended Decision OAH No. 04A-2483-PAB

Steve Wolf, Assistant Attorney General, summarized Administrative Law Judge Tulley's Findings of Fact and Conclusions of Law. P.A. Roberts allegedly procured a license by fraud or misrepresentation. He did not disclose as required on the Arizona license application that he had received treatment for substance abuse in the State of Nevada. Additionally, he did not reveal that he was also disciplined in the State of California for a conviction of domestic violence. The State recommended that his license be revoked and during his hearing, he revealed additional information that he withheld in the past. P.A. Roberts was also convicted for use of a controlled substance. Judge Tulley has recommended revocation. The State requests three changes to the Findings of Fact and referred to its Motion filed with the Board outlining these requests.

MOTION: Peter C. Wagner, D.O. moved to accept the Findings of Fact with the recommended changes by the state. The citation to the record for the changes is State Exhibits 6 and 7.

SECONDED: Randy D. Danielson, Ph.D., P.A.-C.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

MOTION: Peter C. Wagner, D.O. moved to accept the Conclusions of Law as recommended by the Administrative Law Judge.

SECONDED: Joan M. Reynolds, P.A.-C.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

MOTION: Peter C. Wagner, D.O. moved to accept the Order as recommended by the Administrative Law Judge

SECONDED: James E. Meyer, M.D.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

Christine Cassetta, Board Counsel, reminded the Board that if they believe the public health and safety so requires and/or a rehearing or review would be impracticable or contrary to the public's interest, the Board could make a finding of immediate effectiveness. If the Board did so, the Order would be effective immediately and PA Roberts' recourse would be to the Superior Court. Mr. Wolf stated that the Judge has recommended that PA Roberts be assessed the cost of the hearing to be paid within 90 days and, if he applies for relicensure and has not paid them, he cannot be relicensed for a period of five years.

MOTION: Peter C. Wagner, D.O. moved for a finding of immediate effectiveness in the interest of public health and safety and that any rehearing or review would be impracticable or contrary to the public's interest.

SECONDED: G. Bradley Klock, D.O.

VOTE: 8-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

Five-Year Rule Review – Formation of Advisory Committee

Timothy C. Miller, J.D., Executive Director, stated that the Board will need to form an Advisory Committee to review the rules. Christine Cassetta, Board Legal Counsel, stated that this is the second required five-year review since the rules became effective and that, although significant statutory changes have been made, the rules do not reflect those changes.

Joan M. Reynolds, P.A.-C., Sigmund Popko, J.D., Arthur Ray Tuttle, P.A.-C., and Anna Marie Prassa will serve on the committee. Staff participation will be determined by the Director.

The meeting was adjourned at 4:40 p.m.

[Seal]

Timothy C. Miller, J.D., Executive Director